

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number: EMC-00-212.

First Named Inventor: Derek Barrett

Group Art Unit: Not Yet Assigned

Application No. 09/747,737

Examiner: Not Yet Assigned

Filed: December 21, 2000

Customer No.: **24227**

Title: **METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE
PLATFORMS**

Attention: Office of Petitions

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

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MAR 11 2005

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petition Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition Fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition Fee

- ☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee: \$1,500.00 (37 CFR 1.17(m))

2. Reply and/or Fee

- A. The reply and/or fee to the above-noted Office Action in the form of Reply To Notice of Incomplete Application (identify type of reply)
- ☐ has been filed previously on _____.
- ☒ is/are enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ _____.
- ☐ has been previously paid on _____.
- ☐ is enclosed herewith.

3. Terminal Disclaimer with Disclaimer Fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A Terminal Disclaimer (and Disclaimer Fee (37 CFR 1.20(d)) of \$ _____ or other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (See PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Robert Kevin Perkins
 Robert Kevin Perkins, Esq.
 EMC Corporation
 Office of the General Counsel
 176 South Street
 Hopkinton, MA 01748-9103
 Fax: (508) 293-7189

March 2, 2005
 Date
 36,634
 Registration Number, if applicable
 508-293-6985
 Telephone Number

- Enclosures: ☐ Fee Payment
- ☒ The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 05-0889. A duplicate copy of this Petition is enclosed herewith.
- ☐ Reply (Amendment)
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 872-9306.

March 3, 2005
 Date

Sandra A. Kulaga
 Signature

Sandra A. Kulaga
 Typed or printed name of person signing certificate



#5

PATENT
EMC-00-212

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Derek Barrett	GROUP ART UNIT:	Not Yet Assigned
U.S.S.N.:	09/747,737	CONFIRMATION NO.:	Unknown
FILING DATE:	December 21, 2000	EXAMINER:	Not Yet Assigned
		CUSTOMER NO.	24227
TITLE:	METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE PLATFORMS		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2005.

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

REPLY TO NOTICE OF INCOMPLETE APPLICATION

Sir:

This Reply to the Notice of Incomplete Application is being submitted along with a

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR

03/24/2005 AXELLEY 00000016 050889 09747737

01 FC:1051 130.00 DA

1.137(b), a Change of Correspondence Address and with a copy of the following Documents in Section A, appearing below, with facts stipulated in Section B, also appearing below.

A. **Document Copies Provided**

1. Copy of utility patent application, Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i), informal drawings, Application Data Sheet, Fee Transmittal for FY 2000, Express Mail Certificate, Express Mail Label all filed on December 21, 2000;
2. Copy of postcard returned from the U.S. Patent and Trademark Office indicating the application was filed on December 21, 2000 and assigned serial number 09/747,737;
3. Copy of Status Inquiry filed on February 18, 2002, copy of postcard returned by the U.S. Patent and Trademark Office indicated the serial number and filing date of application, copy of Express Mail Label;
4. Copy of postcard returned by the U.S. Patent and Trademark Office dated stamped March 1, 2002;
5. Copy of Transmittal Form; Petition Under 37 CFR 1.10(d) for Resubmission of Lost or Misplaced Papers Filed Via Express Mail, copy of postcard returned by the U.S. Patent and Trademark Office date stamped March 1, 2002, copy of postcard returned by the U.S. Patent and Trademark Office date stamped December 21, 2001;
6. Copy of Applicant's docket sheet showing that no Filing Receipt, no Notice to File Missing Parts and no Notice of Incomplete Application was received;
7. Original Declaration and Power of Attorney executed by Derek Barrett;

8. Recordation Form Cover Sheet and copy of the Assignment; and
9. Copy of PAIR Report on this application for Customer Number 24227.

B. **Facts**

1. This application was filed on December 21, 2000 (see Documents A.1).
2. It went abandoned for failure to reply to a Notice of Incomplete Application (see PAIR Report A.9).
3. Although Notice under B.2 is now referenced on Applicant's Private PAIR report for the Customer Number 24227, Applicant did not receive this Notice (see PAIR Report A.9).
4. After not receiving a Filing Receipt and Notice to File Missing Parts, Applicant filed a Status Inquiry on February 18, 2002 (see Documents A.3 and A.4).
5. Applicant has no record of receiving a response to the Status Inquiry referenced under B.4.
6. On July 29, 2002 Applicant filed a Petition Under 37 CFR 1.10(d) for Resubmission of Lost or Misplaced Papers Filed Via Express Mail (see Documents A.5).
7. Applicant still has not received any correspondence from the U.S. Patent Office in connection with this application.
8. Applicant now files this Reply in conjunction with the Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) in order to overcome the unintentional abandonment of this application.

Applicant: Derek Barrett
U.S.S.N.: 09/747,737
Filing Date: December 21, 2000
EMC Docket No.: EMC-00-212

REMARKS


In view of the foregoing Facts stipulated under Section B above, the Applicant requests that this application be revived and also in view of the Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) filed herewith this Reply to Notice of Incomplete Application. Document copies supporting the facts are provided under Section A.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-6985.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: March 2, 2005


Robert Kevin Perkins, Esq. (Reg. No. 36,634)
Attorney for Applicants
EMC Corporation
Office of General Counsel
176 South Street
Hopkinton, MA 01748
Telephone: (508) 293-6985
Facsimile: (508) 293-7189

AI



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OFFICE OF PETITIONS



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			Employee Signature



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Vo Delivery	Acceptance Clerk Initials
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	

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Delivery Attempt	Time
	Employee Signature

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508 435-1000	ASSISTANT COMMISSIONER PATENTS
EMC CORPORATION	Box PATENT APPLICATION
35 PARKWOOD DR	WASHINGTON DC 20231
1100 KINGTON MA 01849	
L.F. Fitzgerald	
EMC-17A-212	

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.gov



Label 11-B July 1997

Customer Copy



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Barrett, Derek

Application No.: Not yet assigned

Group No.: Not yet assigned

Filed: Herewith

Examiner: Not yet assigned

For: METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE PLATFORMS

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

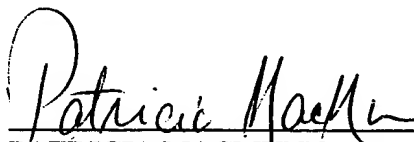
"Express Mail" label number: EJ 045 189 519 US

Date of Deposit: 12/21/2000

I hereby state that the following *attached* papers

Utility Patent Application Transmittal (2 pages), Fee Transmittal (in duplicate), Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i), Application Data Sheet (2 pages), Application (including specification 19 pages, claims 4 pages, abstract 1 page), Informal Drawings (3 sheets showing Figs. 1-3), and Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


PATRICIA MACMUNN

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

MAR 07 2005

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No. **EMC-00-212**

First Inventor **Derek Barrett**

Title **See 1 in Addendum**

Express Mail Label No. **EJ 045 189 519 US**

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **24**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **3**]
5. Oath or Declaration [Total Pages **1**]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Leanne J. Fitzgerald

Registration No. (Attorney/Agent)

40,606

Signature

Leanne J. Fitzgerald

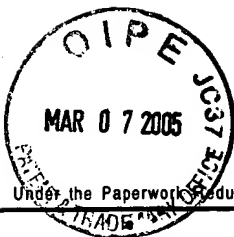
Date

December 21, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Addendum

1. METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE PLATFORMS



Express Mail Label: EJ 045 189 519 US

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Derek Barrett

Title

METHOD AND SYSTEM FOR CREATING
PACKAGES FOR MULTIPLE PLATFORMS

Atty Docket Number

EMC-00-212

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 21, 2000

Date

Signature

Leanne J. Fitzgerald

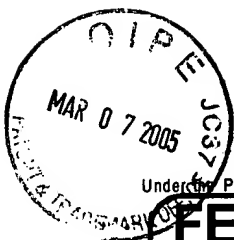
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Express Mail Label: EJ 045 189 519 US

PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL**for FY 2000**

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$) 710.00**Complete if Known**

Application Number	
Filing Date	December 21, 2000
First Named Inventor	Derek Barrett
Examiner Name	
Group / Art Unit	
Attorney Docket No.	EMC-00-212

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-0889

Deposit Account Name EMC Corporation

- ☒
- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	710.00
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) 710.00**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid	
15	-20** = 0	18	0	
Independent Claims	2	-3** = 0	80	0
Multiple Dependent		0	0	

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 78	202 39	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	0.00
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 380	216 190	Extension for reply within second month	0.00
117 870	217 435	Extension for reply within third month	0.00
118 1,360	218 680	Extension for reply within fourth month	0.00
128 1,850	228 925	Extension for reply within fifth month	0.00
119 300	219 150	Notice of Appeal	0.00
120 300	220 150	Filing a brief in support of an appeal	0.00
121 260	221 130	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,210	241 605	Petition to revive - unintentional	0.00
142 1,210	242 605	Utility issue fee (or reissue)	0.00
143 430	243 215	Design issue fee	0.00
144 580	244 290	Plant issue fee	0.00
122 130	122 130	Petitions to the Commissioner	0.00
123 50	123 50	Petitions related to provisional applications	0.00
126 240	126 240	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify) _____			0.00
Other fee (specify) _____			0.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

Name (Print/Type) Leanne J. Fitzgerald

Registration No. (Attorney/Agent)

40,606

Complete (if applicable)

Telephone (508) 435-1000

Signature

Date 12/21/2000

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Inventor Information

Express Mail Label: EJ 045 189 519 US

Inventor One Given Name:: Derek
Family Name:: Barrett
Name Suffix::
Postal Address Line One:: 61 Ballea Woods
Postal Address Line Two:: Carrigaline
City:: Cork
State/Province::
Country:: Ireland
Postal or Zip Code::
Citizenship Country:: Ireland

Correspondence Information

Correspondence Customer Number:: 24227

Application Information

Title Line One:: METHOD AND SYSTEM FOR CREATING PACKAGES
Title Line Two:: FOR MULTIPLE PLATFORMS
Total Drawing Sheets:: Three (3)
Formal Drawings?:: No
Application Type:: Utility

Representative Information

Registration Number One:: 40,606
Registration Number Two::

Continuity Information

This application is a:: N/A
>Application One::
Filing Date::
Patent Number::

Which is a::
>>Application Two::
Filing Date::
Patent Number::

Prior Foreign Applications

Foreign Application One:: N/A

Filing Date::

Country::

Priority Claimed::



Patent Application
Docket Number: EMC-00-212
Applicant: Derek Barrett

EJ045189519US

Field of the Invention

[0001] The invention relates generally to computer system administration, and more particularly to an automated process for creating software distribution media without having to have knowledge of the different utilities native to different operating systems.

Background of the Invention

[0002] A UNIX® operating system, although a single computer operating system originally developed by Bell Laboratories and further refined at the University of California at Berkeley, also is sometimes used as a term for an entire family of operating systems and the most common programs or utilities of those operating systems. The reason for this may be historical. Since the source code of the early versions of UNIX was made generally available, different forms of UNIX began to evolve from the ones originally developed at the University of California. As is well known, some of the different versions of UNIX are specific to hardware manufacturers, while others arose from different sources.

[0003] Some of the most common versions of UNIX include HP-UX from the Hewlett-Packard Company, Solaris from Sun Microsystems, SVR4 from AT&T and AIX from International Business Machines (IBM). Other types of UNIX operating systems include SunOS, which was the predecessor to Solaris and Linux, the open source operating system.

[0004] When developers of application programs create their programs, they usually design their applications to work on or with a specified operating system. The operating system works in conjunction with the applications to handle all of the

actions that can be made by the application. When there are multiple versions of UNIX, the developers of such software usually have to make certain that their applications work on one or more of the UNIX operating systems. The reason for this is simple. Customers of the applications may have servers that are operating one or more of the aforementioned different UNIX operating systems. When these customers acquire the applications they want to use, they want applications that run either on their already in use UNIX servers or they want to obtain applications that will work on one of the common UNIX operating systems mentioned above.

[0005] When applications are sold or distributed, they are, as is well known in the art, done on what is known as a distribution kit or installation media. The installation media is eventually used by system administrators to install the application software from the installation media onto the sever, which is running a particular UNIX operating system, and update the database of the operating system with information on the installed software. For example when certain information is available within the operating system, a system administrator may query the system and see what version of software is installed and by what vendor. Additionally an automatic uninstall option may also be provided, which removes the installed software and updates the operating system database accordingly. Installation media therefore, would, at a minimum, contain the application(s) acquired by the user and be ready to be installed on the user's servers, and as will be seen when native utilities are available, the aforementioned information is there to be used by the system administrator. However, creating installation media for applications where those

applications are used on the different versions of the UNIX operating system can be both complex and difficult. As the contents of the installation media for each UNIX operating system has to in essence comply with the particular UNIX operating system, the simple creation of installation media for an application that can work with each one of the different UNIX operating systems can be a difficult and laborious task.

[0006] As is well known in the art, each UNIX operating system has a set of packaging utilities that are used to get the application onto installation media where a system administrator can then install it. The packaging utilities are unique to the particular UNIX operating system and are thus native to the operating system. Creation of installation packages for applications that run on these different types of operating systems is complicated.

[0007] It would be advantageous to have a simple automated system and method that can be used in the creation of installation media that makes use of native functionality provided by different UNIX packaging utilities.

[0008] It would also be advantageous to have a simple automated system and method, which utilizes the native functionality from the different operating systems without a user having to have knowledge of the native utilities.

[0009] It would also be advantageous to have a single system that can be used to create installation media for a variety of applications using different operating systems.

Summary of the Invention

[0010] One illustrative embodiment of the invention is directed to a system to be used for packaging or building software applications that are eventually installed on

installation media. The system is capable of building the software applications regardless of the particular operating system that the software application runs on. The system includes at least one predetermined parameter that corresponds to at least one element used by native utilities unique to a particular operating system, and a process which accesses the native utilities for the at least one operating system based on the at least one parameter.

[0011] Another illustrative embodiment of the invention is directed to a method for building or packing software applications, where the software application runs on one of many different operating systems. The method includes the acts of (a) determining the operating system on which the software application will operate; (b) providing the location of the files and directories which actually comprise the software application; and (c) providing a location on a computer where the files and directories will eventually be placed and in response to steps (a), (b) and (c), utilizing a predetermined set of programs unique to the determined operating system in order to create a software package of being installed on installation media.

Brief Description of the Drawings

[0012] The above and further advantages of the present invention may be better understood by referring to the following description taken into conjunction with the accompanying drawings in which:

[0013] Fig. 1 is a block diagram showing the computer system used in accordance with the method and system of the present invention;

[0014] Fig. 2 is a flow chart showing the operation of the method of the present invention; and

[0015] Fig. 3 is a diagram showing the inputs used by the method and system of the present invention.

Detailed Description of the Preferred Embodiment

[0016] As is well known in the art, application programs or applications used on a server or computer running an operating system are delivered in units commonly called packages. Generally, an application performs a task or set of tasks. For example, well known application programs include, but are not limited to e-mail, spreadsheets, word processing programs, databases etc. A package usually refers to a collection of files and directories which when working together form a particular application. Usually the packages are built after the application code itself has been completed. The packages allow the application to be easily written to or transferred to the installation media (such as CD-ROMS, floppy disks etc.), so that it can be mass produced and eventually installed on a server by the entity that acquired or licensed the application. In order to package an application, the components that make up the application need to be created as well as any optional components. Once this is done, then the package can be built.

[0017] It should be understood that there exist a variety of operating systems that can run a server. It is common for the manufacturers of the servers to have their own

operating systems. One set of well-known operating systems is sometimes referred to as UNIX. Although the term UNIX is often used to describe an operating system, in reality there are many different types of UNIX operating systems that usually are specific to the manufacturer of the server. For example, Sun Microsystems of Palo Alto, California sells a series of servers that run the Solaris operating system. Other well known UNIX type of operating systems include the HP-UX which is part of servers manufactured by the Hewlett-Packard Company of Palo Alto, California; AIX which is part of servers manufactured by International Business Machines (IBM) of Armonk, New York; and SUR4 which is part of servers manufactured by AT&T of New York, New York. More recently an open source variation of UNIX termed Linux has also become popular. Applications, in order to work properly, must work in conjunction with the particular operating system. So when applications are packaged, in order for them to work with the designated operating system that will run the application, they must be packaged specifically for a particular operating system. With the variety of different operating systems available, it can be both burdensome and complex to package applications for this wide variety of operating systems.

[0018] There are two basic and traditional ways to package applications. The first is through the use of what is known as the tar utility. The second is through the use of what is known as native packaging tools. For the packager of applications, both have serious disadvantages.

[0019] The tar utility or command has traditionally been used for archiving and backing up files. It probably is the most common format in UNIX for performing tape and disk archives because it is simple and easy to use. It is easy to use for archiving and backup functions because it allows one to save to any medium (including installation media) because it treats file and backup media device targets the same. Also with the tar utility the user can specify the files and directories that the user wants to include or exclude. So in using the tar utility for packaging the user can “bundle” all of the desired files to a single file. The general format of the tar command is:

tar (options) (tarfile name) (filenames to backup, restore or bundle)

[0020] In order to then bundle the directories in a particular directory to an installation media you would use the following command:

tar cvf install_package.tar /usr/local/datafiles

[0021] Where cvf is the option for writing to a tarfile called *install_package.tar*, and */usr/local/datafiles* represents all of the directories in a sample datafiles directory. This allows the selected files to be bundled to a single tarfile, eventually, an untar command needs to be run in order to release the selected datafiles to a target system such as follows:

tar -xvf install_package.tar

[0022] This is certainly not the only way to utilize the tar utility, but is shown for illustrative purposes.

[0023] This example does show some of the limitations of the tar utility. In using the tar utility as a bundling mechanism, the functionality provided by the native UNIX install

programs is missing. For example, some of the functionality not available through the use of the tar utility includes the tracking the version of the software being packaged, obtaining logged information about the installation and having information about the removal of software. One of the problems that can arise from this lack of functionality is that a system administrator has no way of telling what version of software is installed when trying to diagnose problems with the software. The administrator also has to remember where the software was installed so that it can be removed. On large networks this is not ideal, as an administrator may have many servers where the servers are running different revision levels of software.

[0024] Use of the native UNIX installation tools does provide the aforementioned functionality, but comes with its own set of disadvantages. As will be seen it is not a simple task to learn and use the native install tools for one type of UNIX operating system, much less multiple UNIX operating systems. Additionally, the use of the native install tools requires the user to know both the syntax and formatting of the packaging utilities, which are unique to the different operating systems. Because the native tools do significantly differ from UNIX platform to UNIX platform, one is unlikely to find personnel who are well versed one the utilities of multiple UNIX platforms. Instead of explaining the native packaging tools for the variety of UNIX platforms, only one will be used for illustrative purposes. Solaris 2.5 uses the pkg set of utilities to create and install packages. In order to create packages using Solaris at least the following commands are used: pkgadd, pkginfo, pkgmk, pkgproto, pkgtrans and pkgrm. What follows are the basic steps required when creating a package using the Solaris native utilities. It should

be understood that this is only meant to serve as a summary of a complex process and is being described to provide a greater understanding of applicant's invention.

[0025] Generally, the user first has to set up a directory structure in a chosen directory to contain the desired packages. Once the directory is chosen and the application (i.e. executable files) is installed into the chosen directory, the subdirectories need to be created. These will be the subdirectories, such as bin, lib etc. that will be needed by the application. The next step is to install the files of the application into the directory and subdirectories. Usually the application is compiled and run before the files are installed. These first two steps are really the preliminary steps to be taken before the native Solaris utilities can be used.

[0026] Next, a pkginfo file has to be created. The file is created in order to describe the characteristics of the application. This is done through the text editor by creating a file named pkginfo and then defining at least five parameters including pkg, arch, version, name and category. These parameters correspond to the name chosen for the package directory, the operating system version, the version number for the application, the name of the application and identifying that the program is an application.

[0027] After the pkginfo file is created, the contents of the package have to be organized. In other words the package objects are organized into a hierarchical directory structure that mimic how they should be organized on the target system after the application is eventually installed by the system administrator.

[0028] In Solaris, the next two steps are optional, but are often useful. They are creating information files and creating installation scripts. The former is used to define

certain package dependencies, such as copyright messages and the reservation of additional space of a target system. The latter is used to customize the installation and removal processes of a package.

[0029] The next required step is the creation of a prototype file. The prototype file is an ACSII file used to specify information about the objects in a package. Each entry in the prototype file describes a single object such as a data file, directory or executable object. A prototype file may be created through the use of a text editor or through the use of the pkgproto command. Using the pkgproto command can be advantageous as the file is created based on the previously created directory hierarchy.

[0030] Once the objects are created and defined, the pkgmk command is used to actually build the package. The pkgmk command takes the objects, as defined in the prototype file, and puts them into directory format, and creates a file called pkgmap. This file replaces the prototype file

[0031] Lastly, the now created package is verified and transferred to a distribution medium. This is done through a series of steps, including installing the package on a server with the use of the pkgadd command, verifying the integrity of the contents of the package with the pkginfo command, removing the package from the system with the pkgrm command and transferring the package, in the correct format, to a distribution (i.e. installation media) medium with the use of the pkgtrans command.

[0032] The just described package creation process for Solaris does not include all of steps within the larger steps. A more complete understanding of the Solaris package building process can be found at the web site <http://docs.sun.com> or in the reference

manuals for the relevant operating system. In the Sun Microsystems example, only the steps for creating a package using the Solaris native utilities would be described. Each one of the other UNIX operating systems such as HP-UX and AIX, all have there own native utilities for creating packages, and they do differ significantly, making it very difficult for a single person to be able to build packages that take advantage of the functionality offered the various native utilities.

[0033] The packager may be using the process of the present invention within a system 10 as shown in Fig. 1. The packager would be entering the necessary inputs (as will be explained) at computer or server 14 that contains the process 16. Server 14 may be part of a network 12 that includes servers or computers 18, 20, 22 and 24. The network could be any local area network (LAN) or wide area network (WAN) as is well known in the art. It is also contemplated that the network 12 could also be the internet and the servers shown could all be in different remote locations. The server 14 may also include an operating system database 26, which is used upon installation of the packages of the present invention to retain information concerning the package contents. This system 10 is shown, in this example, as having five servers, but this is simply for illustrative purposes, as the system 10 could have any number of servers. The servers 14, 18, 20, 22 and 24 can be running any one of the different UNIX operating systems. For example, server 14 could be running the Digital UNIX operating system; server 18 could be running the Solaris operating system; server 20 could be running the HP-UX operating system; server 22 could be running the AIX operating system and server 22 could be running the Linux operating system. The process 16 may interact with the other servers

18, 20, 22 and 24 as will be described in order to provide the completed package. The packager without any knowledge of the native utilities on each of the servers 14, 18, 20, 22 and 24 can build packages that utilize the full native functionality inherent in each of the different operating systems without knowledge of that native packaging utilities. To do this, requires processes or agents 16' to reside on each of the servers 14, 18, 20, 22 and 24, wherein communication occurs between processed 16 and 16'. For example when process 16 is invoked without communication to the other servers, a package native to the operating system of server 14 can be built.

[0034] In another embodiment of the invention may have a master process 16 which, when appropriate will invoke or involve the other processes 16' on the other servers to obtain their native utility information. Processes 16 and 16' can communicate with each other across the network in a variety of ways well known in the art. In the present invention it is contemplated that sockets will be used to establish and maintain the connection between one or more processes. In this scenario, process 16 as the master process would be responsible for accepting the inputs (as will be explained) from the user at server 14, and establishing a connection with another process in the network and issuing instructions to have that process build a package suitable for the operating system of the second process. This would be accomplished by the first process 16 recognizing that the operating system to be used is different than the one the process 16 is running on. Upon this recognition, the process would contact and establish a connection with a process 16' that uses the particular operating system as input by the user. In this scenario the inputs from the user into process 16 would be sent via the connection to the process

16' which upon receipt of the needed inputs would build the package. It is contemplated that process 16' could either complete the building of the package, including local loading on the package onto installation media or send the package over the network back to process 16, which could load the package onto the installation media. It is also contemplated that each process in itself is a master process, which will allow a user to use the process to build packages from any one of the servers in the system.

[0035] The present invention provides a simple, automated process for allowing a packager to take advantage of the functionality available from the native installation utilities without having to have knowledge of all of the native installation utilities for the different operating systems. Referring to Table 1, the user or packager only has to be aware of six (6) items:

Table 1

Application Source	This is the absolute path to the application source directory. All of the files and directories under this directory will eventually become part of the application distribution kit.
Application Target	This is the absolute path to the application target directory.
Application Name	This is the name of the application.

Application Sub Kit Name	This is the name used by an installation utility to identify the application product with the application kit.
Product Key	This is a three letter key that is associated with the application. This key is required in order to create software kits on certain UNIX operation systems (i.e HP-UX, AIX).
Application Version	This is the version of the application.

[0036] It should be understood, that the packager, as was described above has to make certain that the desired files and directories are located in a particular directory structure, and that the application should have been compiled and run and then installed into the directory which is known as the source directory. Once the package is built, it is copied to a directory specified by the target directory. If this directory does not exist, then it is created as part of the packaging process. The packager also needs to know what the name of the application is as well as the application sub name. There may also need to be a three letter key that represents to certain of the native install utilities information concerning the application. Lastly, the particular version of the application kit needs to be known so that the correct version is what is packaged.

[0037] Turning to Fig.2, a flow chart 30 is shown of the steps that are needed by the automated process 16 of Fig. 1 in order to begin the process of building a package. At step 32, the process identifies the server's operating system. In other words the process

asks or polls the operating system as to its identity. Once the process has detected the operating system that is being used, it identifies the suite of utilities that will be used to build the package at step 34. This works when the user is aware that the package to be built is going to utilize the native utilities on the server that the user is actually using to build the package. For example, if the operating system is detected as being a Solaris, the process will identify the utilities needed in Solaris to build the package. As mentioned previously, if the operating system is a Solaris, the process will identify the pkg utility which includes the programs pkgadd, pkginfo, pkgmk, pkgproto, pkgmap and pkgtrans etc. that are needed. It should be understood that the Solaris utilities mentioned are meant to serve as an example of the native programs used to create or package the application kits. The present invention contemplates using all of the available and necessary programs that are used with the utility or utilities provided by the particular UNIX operating system. If however, the user is on, for example, the Solaris server, but wishes to build a package using the HP-UX utilities, the user will need to input that information into the process. It is contemplated, that once the system identifies itself, and additional step could take place where the process confirms with the user that the local operating system is the one the user wishes to use. If not, the user, as stated above, could input the desired operating system information.

[0038] At step 36, the application that is to be packaged is identified. For example, if the packager is packaging an e-mail application, here that identification is done by identifying the path to the source directory in which the files and directories of the e-mail application reside. It should be understood that this path could be local to the server, or

remote from the server at another location in the network. At step 38, an identification is done of the particular version of the application that is going to be packaged and eventually installed. An application program, as is well known in the art, is identified by version numbers represented typically by an x.xx.xx sequence. The first x to the left of the first decimal point represents a major version of the application, the two xx to the right of the first decimal represent the releases of the major version, and the two xx to the right to the second decimal represent the patches for the release. If the version is 4.08.05, that means this would be version 4 for the application, which has had five releases and that release has had 3 patches. At step 40, the name of the package is identified. This would be the name that is desired for the package to be termed. Using the previous example, if an e-mail application called "e-mail" is being packaged, this could be identified by "e-mail." Once the package is actually put together by the utilities, it needs to be stored in an output directory where it can easily be transferred onto the installation media. In addition to providing the name of the application, the component name is also identified at step 42. This name is used by the package and install utilities in the applicable native utilities to identify the components of the application. Some examples of this would be the client, server and common components that that are eventually bundled together to create the master bundle or complete. This enables an application to be broken into its component parts, thus allowing for flexibility at install time. An administrator may wish to install an application in part, due to space or user restrictions. Typically, an administrator will install the complete application on one machine (the server) and part of the application on many machines (clients). The packaging of an

application into its component parts enables an administrator to do this. At step 44, the output location is identified by providing a path to the output or target directory. An example output location would be */opt/pkg*.

[0039] On certain UNIX operating system such as HP-UX and AIX a three letter key is needed to package application kits on these systems. Therefore, if the operating system in step 32 is one of these platforms, the method does not end at step 46, but continues on to step 48 where this three letter tag or key is identified. Although the tag is used on HP-UX and AIX systems only, the user enters the tag. This tag is discarded by the process if the packaging is for system other than HP-UX or AIX. One of the objectives is to provide the additional functionality delivered by the native utilities while still being easy to use. The inputs or parameters needed to effectuate the process of Fig. 3 may be inputted in a variety of ways. Referring to Fig. 4, the parameters may be input from a command line with the format 50 shown in Fig. 4. Pkgsoft 52 represents the process or utility run in order to package all the software contained in a specified directory into a distribution kit. In the preferred embodiment of the invention Pkgsoft is the name given to this process, but any name could be used. At 54 an absolute path to the directory containing all the application is provided. The directory listed in 54 will contain all of the files, directories and libraries necessary to form the application. For example the syntax for the source 54 could be:

/usr/local/src/ift

[0040] Thus, the software to be packaged will be all of the software contained into the above directory. Any files or directories contained within */usr/local/src/ift* will be

packaged. Note that the file and directory structure under */usr/local/src/ift* will be maintained. When the package is installed, the structure will be identical to that under */usr/local/src/ift*. Also required is an output or target directory 54. This is where, once packaged, the utility stores the packaged application. The syntax for the output could be:

/usr/output

[0041] At 58, the application kit name is a required field. Before the application is packaged, it needs to have a name. The application is thus packaged into an application kit with the name provided in field 58. Field 60 represents the application sub name. This is the name used by the install utility (i.e. pkgadd) to identify the application product when the application is being installed. This name is also used by the operating system to identify the software when a user queries the system for installed software. The field at 62 is to identify the version of the application as previously mentioned. Lastly, at field 64, the three letter key or tag can be inserted, when applicable, to create application kits for certain UNIX systems. In summary all of the software contained in the source directory 54 is packaged into an application kit named at 58 and stored in the directory identified at 56. When a user installs the named application kit, the operating system identifies and stores the application product having the named version number.

[0042] Although in the preferred embodiment of the invention a command line interface is shown as the means to input the parameters, it is contemplated that other means such as a graphical user interface (GUI) could also be used to input the parameters. This could be done either by having a GUI prompt the packager for specific fields or by simply providing a graphical method versus a command line method for inputting the

parameters. It can be seen then how a packager can derive the functionality contained in the native installation utilities without having knowledge of those utilities with the ease provided by the tar operation.

[0043] Although the described invention is shown using UNIX operating systems it is contemplated that the present invention can be used with any number of various applications in which a defined set of parameters can allow a process recognize certain key elements and commence a set of activities.

[0044] Having described a preferred embodiment of the present invention, it will now become apparent to those of skill in the art that other embodiments incorporating its concepts may be provided. It is therefore felt that this invention should not be limited to the disclosed embodiment, but rather should be limited only by the spirit and scope of the appended claims.

In the Claims:

1. A system for packaging applications that operate on at least one operating system, the system comprising:
 - at least one predetermined parameter corresponding to at least one element used by native utilities on the at least one operating system; and
 - a process for accessing the native utilities for the at least one operating system based on the at least one predetermined parameter.
2. The system of claim 1, wherein the at least one parameter identifies the location of the application prior to the application being packaged.
3. The system of claim 2 further comprising, a second parameter identifying where the application is to be placed after it has been packaged.
4. The system of claim 3 further comprising, a third parameter identifying a name for the application.
5. The system of claim 5, further comprising a fourth parameter identifying an identifier used by an installation utility in order to identify the application for use by the installation utility.

6. The system of claim 6 further comprising a fifth parameter specifying an identifier unique to the at least one operating system.
7. The system of claim 6 further comprising a sixth parameter identifying the particular version of the application that is to be packaged.
8. The system of claim 1, wherein the at least one parameter is imputed to the process by a command line.
9. The system of claim 1, wherein the at least one parameter is imputed to the process by a graphical user interface.
10. The system of claim 1 further comprising:
a plurality of computers connected to each other by a network, wherein the process resides on at least one of the computers and said process establishes a communication with a second process residing on another one of the at least one of the computers to enable the first process to be used to allow the second process to create a software package utilizing the operating system native to the computer containing the second process.
11. A method for building software that operates on at least one operating system comprising the steps of:

determining the operating system on which the software will operate;
providing the location of the files and directories in a server which comprise the software;
providing a location on the sever wherein the location is the place in which the files and directories will be placed, and
wherein in response to steps (a), (b) and (c) utilizing a predetermined set of programs unique to the operating system in order to create a software package capable of being installed on installation media.

12. The method of claim 11, further comprising the steps of:

providing to the predetermined set of programs, a first identifier of the software.

13. The method of step 12, further comprising the step of:

providing to the predetermined set of programs, a second identifier of the software.

14. The method of step 14, further comprising the step of:

providing an installation program within the predetermined set of programs, the components of the software.

15. The method of step 14, further comprising the step of:

providing a third identifier unique to at least of the operating systems.

Abstract

A method and apparatus for creating installation packages for multiple different operating system platforms is provided. A distributed process is used to allow a user to create the installations packages from any location, with a minimal amount of steps. Upon the inputting of a few selected parameters, the process is able to obtain the information needed to build a package for the multiple different operating systems, and build a package that upon installation takes full advantage of functionality present in the multiple different operating systems.

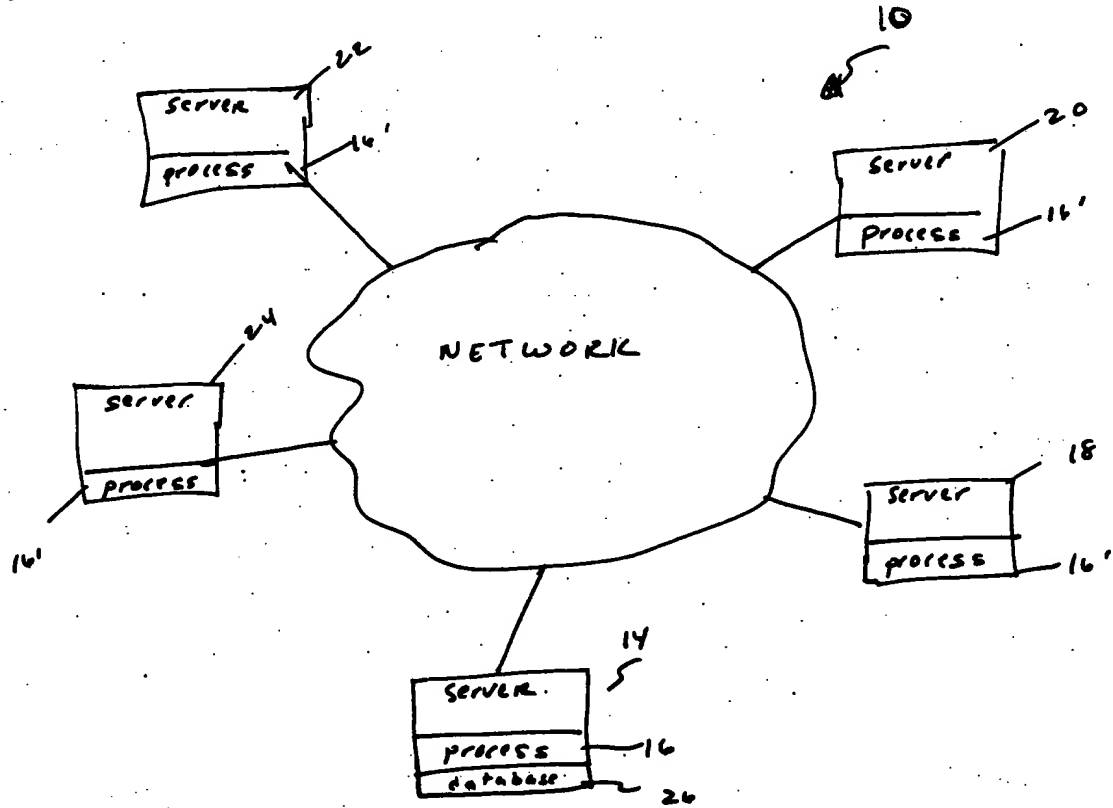


Fig. 1

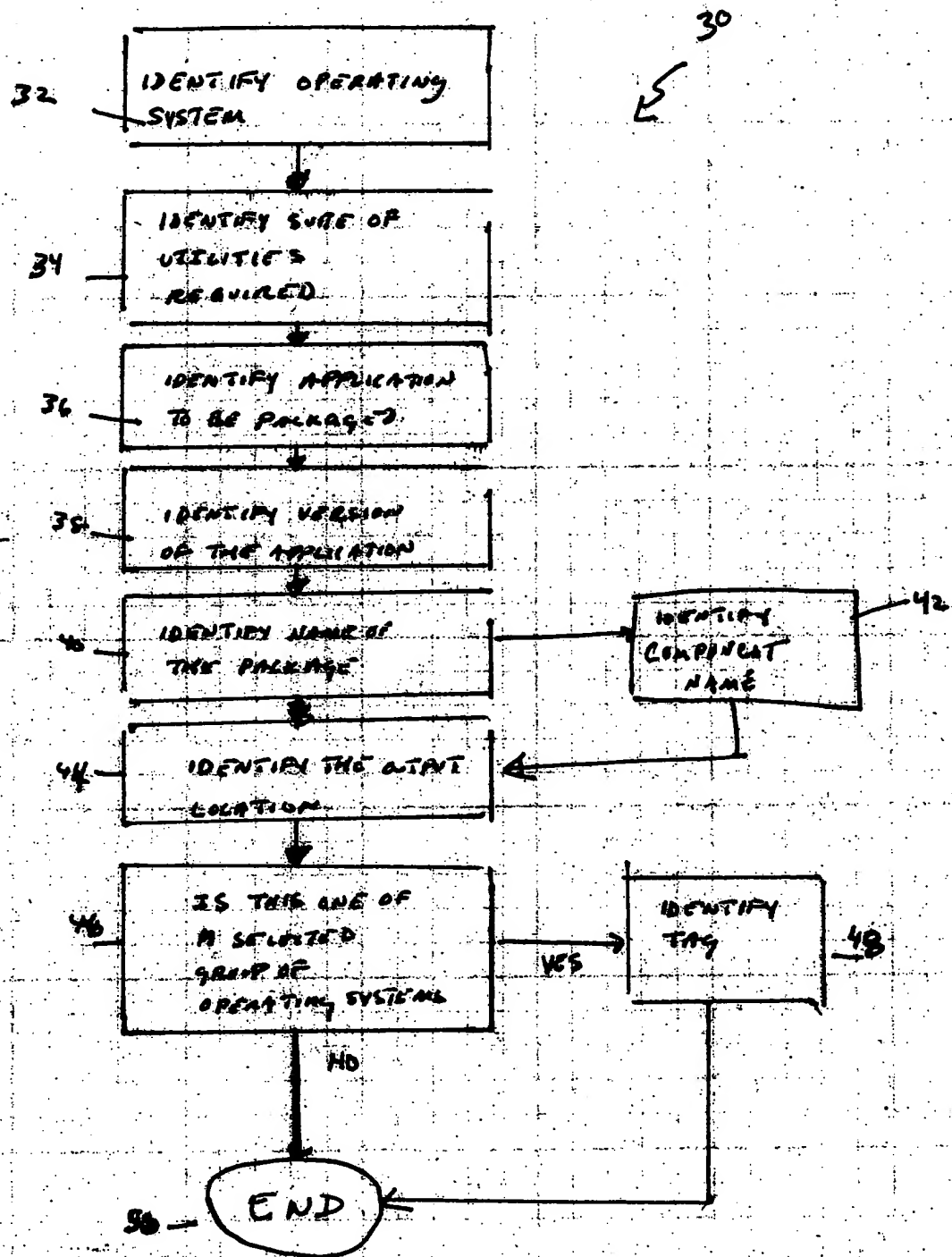


Fig. 2



Fig. 3

Fig. 3
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OFFICE OF PETITIONS

Serial No.: NOT YET ASSIGNED Filed: 12-21-2000 Attorney: LTF:pm
 Applicant: BARRETT Docket No.: EMC-00-212 Date Mailed: 12-21-2000
 Title: A Method & System for Creating Packages for ☐ First Class Mail ☒ Express Mail No. EJ 045189519 US
 The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

Serial No.: NOT YET ASSIGNED Filed: 12-21-2000 Attorney: LTF:pm
 Applicant: BARRETT Docket No.: EMC-00-212 Date Mailed: 12-21-2000
 Title: A Method & System for Creating Packages for ☐ First Class Mail ☒ Express Mail No. EJ 045189519 US
 The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

1. ☐ PCT New Application Transmittal
(in duplicate if charging deposit account)
2. ☒ Transmittal Form for Application*
(in duplicate if charging deposit account)
 - ☒ Provisional Application under 37 CFR 1.53(c)
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 - ☐ RCE Application under 37 CFR 1.114
 - ☐ CPA Application under 37 CFR 1.53(d)
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 - ☐ Divisional Application under 37 CFR 1.53(b)
 - ☐ CIP Application under 37 CFR 1.53(b)
 - ☐ Other
3. ☒ *Patent Application including
 - 19 Pages Specification
 - 4 Pages Claims (Claims 1 through 15)
 - 7 Pages Abstract
 - 3 Sheets of Drawings (Fig. 1 through 3)
4. ☐ Declaration/Power of Attorney (____ pages)
5. ☐ Verified Small-Entity Status
6. ☐ Executed Power of Attorney
7. ☐ Priority Document(s) & cover sheet
8. ☐ Assignment & cover sheet
9. ☐ Request to Approve Drawing Change
with ____ Sheets of Red-Line Drawings
10. ☐ ____ Sheets Formal Drawings w/Cover Sheet
11. ☐ Request for Refund

12. ☐ Request for Corrected Filing Receipt
13. ☐ Completion of Filing Requirements or
Response to Notice of Informal Application
14. ☐ Transmittal for Amendment (Response)
15. ☐ Petition for ____ Mo. Extension of Time
(in duplicate if charging deposit account)
16. ☐ Amendment (Response)
17. ☐ Preliminary Amendment (Response)
18. ☐ Response to Restriction Requirement or
Requirement for Election of Species
19. ☐ Information Disclosure Statement, with
Form(s) PTO-1449 (____ sheets) and
copies of ____ references
20. ☐ ____ Affidavit or ____ Declaration under
37 CFR ____ § 1.131 ____ § 1.132
21. ☐ Notice of Appeal
22. ☐ Petition
23. ☐ Letter
24. ☐ Status Inquiry
25. ☐ Issue Fee Transmittal
26. ☐ Maintenance Fee Transmittal
27. ☐ ____ Separate post card(s)
28. ☐ Check No. ____ for \$ ____
29. ☐ Covering Item No(s)
30. ☒ Certificate of First Class Mailing
31. ☒ Certificate of Express Mail
Other: Application Data Sheet - 2 pages;
Request and Certification Under
35 USC 122(b)(2)(B)(i)

JC654 U.S. PTO

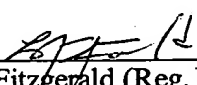
09/747737



TRANSMITTAL FORM	Application No.:	747,737	
	Filing Date:	December 21, 2000	
	First Named Inventor:	Derek Barrett	
	Group Art Unit	To be assigned	
	Examiner:	To be assigned	
Total Number of Pages in this Submission:	5	Docket No.	EMC-00-212

A3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 (in duplicate). <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl. <input type="checkbox"/> Extension of Time Request for 3 Months <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Revocation of Power of Attorney <input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B—Issue Fee Transmittal" <input type="checkbox"/> Formal Drawings, labeled Letter/Transmittal to Official Draftsperson <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Status Inquiry	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] <input type="checkbox"/> Continued Prosecution Application (CPA) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Certificate of First Class Mailing <input type="checkbox"/> Certificate of Express Mail Mailing <input checked="" type="checkbox"/> Postcard <input checked="" type="checkbox"/> Additional Enclosures: Status Inquiry

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Date <u>2.18.02</u> Tel: (508) 435-1000, ext. 77256 Fax: (508) 293-7189	 Leanne J. Fitzgerald (Reg. No. 40,606) EMC Corporation Office of the General Counsel 35 Parkwood Avenue Hopkinton, MA 01748-9103	RECEIVED MAR 11 2005 OFFICE OF PETITIONS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/> Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.	
<input type="checkbox"/> Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.	
Date <u>2-18-02</u>	Signature <u>Patricia MacMunn</u> PATRICIA MACMUNN Typed or printed name of person signing certificate

Practitioner's Docket No. EMC-00-212

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Derek Barrett

Serial No.: 09/747,737 Group No.: To be assigned
Filed: December 21, 2000 Examiner: To be assigned
For: METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE
PLATFORMS

Assistant Commissioner for Patents
Washington D.C. 20231

STATUS INQUIRY

1. More than twelve months have passed since the filing of this utility application on December 21, 2000. Applicant has only received the receipt for Certificate of Express mail and date-stamped Postcard (copies enclosed). No further communication has been received from the Patent and Trademark Office.
2. Kindly advise the undersigned of the present status of this application by checking the appropriate box on the next page.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Date:

2-18-02

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transmitted by facsimile to the Patent and Trademark Office.

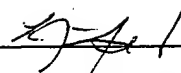
Patricia MacMunn

Signature

PATRICIA MACMUNN

(type or print name of person certifying)

Date: 2.18.02



Leanne J. Fitzgerald
Registration No. 40,606
EMC Corporation
35 Parkwood Drive
Hopkinton, MA 01748
508-435.1000
Customer No. 24227

STATUS INQUIRY REPLY

APPLICATION NO. 09/747,737 IS CURRENTLY

☐ ASSIGNED TO GROUP _____ AND AWAITS:

☐ ACTION BY THE EXAMINER.

☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

COPY

Serial No.: NOT YET ASSIGNED Filed: 12-21-2000 Attorney: LTf:pm
 Applicant: BARRETT Docket No.: EMC-00-212 Date Mailed: 12-21-2000
 Title: A Method & System for Creating Packages for ☐ First Class Mail ☒ Express Mail No. EJ 045189519 US

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

1. ☐ PCT New Application Transmittal
(in duplicate if charging deposit account)
2. ☒ PCT Request
3. ☐ PCT Demand
4. ☒ Transmittal Form for Application*
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5. ☒ Provisional Application under 37 CFR 1.53(c)
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8. ☐ CPA Application under 37 CFR 1.53(d)
9. ☐ Continuation Application under 37 CFR 1.53(b)
10. ☐ Divisional Application under 37 CFR 1.53(b)
11. ☐ CIP Application under 37 CFR 1.53(b)
12. ☐ Other _____
13. ☒ *Patent Application including:
 19 Pages Specification
 4 Pages Claims (Claims 1 through 15)
 1 Pages Abstract
 3 Sheets of Drawings (Fig. 1 through 3)
14. ☐ Declaration/Power of Attorney (____ pages)
15. ☐ Verified Small-Entity Status
16. ☐ Executed Power of Attorney
17. ☐ Priority Document(s) & cover sheet
18. ☐ Assignment & cover sheet
19. ☐ Request to Approve Drawing Change
with ____ Sheets of Red-Line Drawings
20. ☐ ____ Sheets Formal Drawings w/Cover Sheet
21. ☐ Request for Refund

22. ☐ Request for Corrected Filing Receipt
23. ☐ Completion of Filing Requirements or
Response to Notice of Informal Application
24. ☐ Transmittal for Amendment (Response)
25. ☐ Petition for ____ Mo. Extension of Time
(in duplicate if charging deposit account)
26. ☐ Amendment (Response)
27. ☐ Preliminary Amendment (Response)
28. ☐ Response to Restriction Requirement or
Requirement for Election of Species
29. ☐ Information Disclosure Statement, with
Form(s) PTO-1449 (____ sheets) and
copies of ____ references
30. ☐ ____ Affidavit or ____ Declaration under
37 CFR ____ § 1.131 ____ § 1.132
31. ☐ Notice of Appeal
32. ☐ Petition _____
33. ☐ Letter _____
34. ☐ Status Inquiry
35. ☐ Issue Fee Transmittal
36. ☐ Maintenance Fee Transmittal
37. ☐ ____ Separate post card(s)
38. ☐ Check No. _____ for \$ _____
39. ☐ Covering Item No(s). _____
40. ☐ Certificate of First Class Mailing
41. ☒ Certificate of Express Mail
42. ☒ Other: Application Data Sheet - 2 pages
Request and Certification Under
35 USC 122(b)(2)(B)(i)

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OFFICE OF PETITIONS

Serial No.: 09/742,737 Filed: 12-21-2000 Attorney: WJF
Applicant: Barrett Docket No.: EMC-00-212 Date Mailed: 2-18-02
Title: A Method and System for Creating Packages... ☒ First Class Mail ☐ Express Mail No. _____
The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped herein:

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| 1. <input type="checkbox"/> | PCT New Application Transmittal
(in duplicate if charging deposit amount) | 11. <input type="checkbox"/> | Sheets Formal Drawings w/Cover Sheet |
| | PCT Request | 12. <input type="checkbox"/> | Request for Refund |
| | PCT Demand | 13. <input type="checkbox"/> | Request for Corrected Filing Receipt |
| 2. <input type="checkbox"/> | Transmittal Form for Application* | 14. <input type="checkbox"/> | Completion of Filing Requirements or
Response to Notice of Incomplete Application |
| | (in duplicate if charging deposit amount) | 15. <input checked="" type="checkbox"/> | Transmittal for Amendment (Response) |
| | Provisional Application under 37 CFR 1.53(c) | 16. <input checked="" type="checkbox"/> | Petition for ___ Mo. Extension of Time
(in duplicate if charging deposit amount) |
| | Utility Application under 37 CFR 1.53(b) | 17. <input type="checkbox"/> | Amendment (Response) |
| | RCE Application under 37 CFR 1.114 | 18. <input type="checkbox"/> | Preliminary Amendment (Response) |
| | Continuation Application under 37 CFR 1.53(b) | 19. <input type="checkbox"/> | Response to Restriction Requirement or
Requirement for Election of Species |
| | Divisional Application under 37 CFR 1.53(b) | | |
| | CIP Application under 37 CFR 1.53(b) | | |

Serial No.: 09/742,737 Filed: 12-21-2000 Attorney: WJF
Applicant: Barrett Docket No.: EMC-00-212 Date Mailed: 2-18-02
Title: A Method and System for Creating Packages... ☒ First Class Mail ☐ Express Mail No. _____
The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped herein:

- | | | | |
|------------------------------|--|---|---|
| 1. <input type="checkbox"/> | PCT New Application Transmittal
(in duplicate if charging deposit amount) | 11. <input type="checkbox"/> | Sheets Formal Drawings w/Cover Sheet |
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| | Continuation Application under 37 CFR 1.53(b) | 19. <input type="checkbox"/> | Response to Restriction Requirement or
Requirement for Election of Species |
| | Divisional Application under 37 CFR 1.53(b) | | Information Disclosure Statement, with
Form(s) PTO-1449 (___ sheets) and
copies of ___ references |
| | CIP Application under 37 CFR 1.53(b) | 21. <input type="checkbox"/> | Affidavit or Declaration under
37 CFR ___ \$1.131 ___ \$1.132 |
| | Other | 22. <input type="checkbox"/> | Notice of Appeal or Appeal Brief |
| 3. <input type="checkbox"/> | *Patent Application including: | 23. <input type="checkbox"/> | Response to Notice to File Missing Parts |
| | Pages Specification | 24. <input type="checkbox"/> | Petition |
| | Pages Claims (Claims 1 through ___) | 25. <input type="checkbox"/> | Letter |
| | Pages Abstract | 26. <input type="checkbox"/> | Status Inquiry |
| | Sheets of Drawings (Fig. 1 through ___) | 27. <input type="checkbox"/> | Issue Fee Transmittal |
| 4. <input type="checkbox"/> | Request for Continued Examination (RCE) including: | 28. <input type="checkbox"/> | Maintenance Fee Transmittal |
| | Amendment | 29. <input type="checkbox"/> | Check No. ___ for \$ ___ |
| | Extension of Time for ___ month(s) | 30. <input checked="" type="checkbox"/> | Covering Item No(s) ___ |
| | Information Disclosure Statement | 31. <input type="checkbox"/> | Certificate of First Class Mailing |
| | Other | 32. <input checked="" type="checkbox"/> | Certificate of Express Mail |
| 5. <input type="checkbox"/> | Declaration/Power of Attorney (___ pages) | | Other: <u>Status Inquiry</u> |
| 6. <input type="checkbox"/> | Executed Power of Attorney | | |
| 7. <input type="checkbox"/> | Priority Document(s) & cover sheet | | |
| 8. <input type="checkbox"/> | Assignment & cover sheet | | |
| 9. <input type="checkbox"/> | Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) | | |
| 10. <input type="checkbox"/> | Request to Approve Drawing Change
with ___ Sheets of Red-Line Drawings | | |
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U.S. PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

Application No. **09/747,737**
 Filing Date: **December 21, 2000**
 First Named Inventor: **Derek Barrett**
 Group Art Unit: **2122**
 Examiner: **To be assigned**
 Total Number of Pages in this Submission: **5** Docket No. **Emc-00-212**

ENCLOSURES (check all that apply)

- | | | |
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| <input type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 (in duplicate).

<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/Decl.
<input type="checkbox"/> Extension of Time Request for 3 Months

<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Assignment
<input type="checkbox"/> Recordation Cover Sheet
<input type="checkbox"/> Formal Drawings, labeled
<input type="checkbox"/> Letter/Transmittal to Official Draftsperson
<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" | <input type="checkbox"/> Response to Missing Parts/Incomplete Application

<input type="checkbox"/> Declaration/Power of Attorney
<input type="checkbox"/> Associate Power of Attorney

<input type="checkbox"/> Revocation of Power of Attorney

<input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B—Issue Fee Transmittal"
<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Additional Enclosures:
Copy of Date-Stamped Postcard and Express Mail Receipt, Copy of Status Inquiry and Date-Stamped Postcard | <input checked="" type="checkbox"/> Petition Under 37 CFR 1.10(d) for Resubmission of Lost or Misplaced Papers Filed Via Express Mail;
<input type="checkbox"/> Continued Prosecution Application (CPA)
<input type="checkbox"/> Express Abandonment Request

<input type="checkbox"/> Terminal Disclaimer

<input checked="" type="checkbox"/> Certificate of First Class Mailing

<input type="checkbox"/> Certificate of Express Mail Mailing
<input checked="" type="checkbox"/> Postcard |
|---|---|--|

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Date: July 29, 2002

Leanne J. Fitzgerald
 Leanne J. Fitzgerald (Reg. No. 40,606)
 EMC Corporation
 Office of the General Counsel
 35 Parkwood Avenue
 Hopkinton, MA 01748-9103

Tel: (508) 435-1000, ext.
 Fax: (508) 293-7189

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7/29/2002
 Date

Patricia MacMunn
 Signature

PATRICIA MACMUNN

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Derek Barrett
Serial No.: 09/747,737
Filed: December 21, 2000
For: METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE PLATFORMS

Group Art Unit: 2122
Examiner: To be Assigned

**PETITION UNDER 37 C.F.R. 1.10(d) FOR RESUBMISSION
OF LOST OR MISPLACED PAPERS FILED VIA EXPRESS MAIL**

Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

Applicant filed a new utility application on December 21, 2000. Copies of the date-stamped postcard and Express Mail receipt showing a date-in date of December 21, 2000 are attached hereto. On February 18, 2002, Applicant filed a Status Inquiry, a copy of the date-stamped postcard indicating a date-in date of March 1, 2002 is attached hereto. Applicant indicated on the Status Inquiry that the only correspondence received from the U.S. Patent and Trademark Office are the two (2) date-stamped postcards. Applicant has not received a Status Letter in response to the filed Inquiry and to date no official correspondence has been received from the Office.

Applicant respectfully requests review of the utility application filed on December 21, 2000.

Applicant believes no fee to be due for this submission. However, if any fee is required for consideration of this petition, please deduct the fee from EMC Corporation, Deposit Account No. 05-0889.

Respectfully submitted,

Dated: 2/29/2002

Leanne J. Fitzgerald
Leanne J. Fitzgerald, Reg. No. 40,606
Attorney for Applicant
EMC Corporation
35 Parkwood Drive
Hopkinton, Massachusetts 01748
(508) 435-1000 ext. 77256
(508) 293-7189

Serial No.: 09/747,737Filed: 12-21-2000Money: LJFApplicant: BarrettDocket No.: EMC-00-212Date Mailed: 2-18-02Title: A Method and System for Creating Packages...☒ First Class Mail ☐ Express Mail No. _____

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	<input type="checkbox"/> PCT Demand	13.	<input type="checkbox"/> Request for Corrected Filing Receipt
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	<input type="checkbox"/> Provisional Application under 37 CFR 1.53(c)	15.	<input checked="" type="checkbox"/> Transmittal for Amendment (Response)
	<input type="checkbox"/> Utility Application under 37 CFR 1.53(b)	16.	<input type="checkbox"/> Petition for _____ Mo. Extension of Time (in duplicate if charging deposit amount)
	<input type="checkbox"/> RCE Application under 37 CFR 1.114	17.	<input type="checkbox"/> Amendment (Response)
	<input type="checkbox"/> Continuation Application under 37 CFR 1.53(b)	18.	<input type="checkbox"/> Preliminary Amendment (Response)
	<input type="checkbox"/> Divisional Application under 37 CFR 1.53(b)	19.	<input type="checkbox"/> Response to Restriction Requirement or Requirement for Election of Species
	<input type="checkbox"/> CIP Application under 37 CFR 1.53(b)	20.	<input type="checkbox"/> Information Disclosure Statement, with Form(s) PTO-1449 (____ sheets) and copies of _____ references
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3.	*Patent Application including: <input type="checkbox"/> Pages Specification	22.	<input type="checkbox"/> Notice of Appeal or Appeal Brief
	<input type="checkbox"/> Pages Claims (Claims 1 through _____)	23.	<input type="checkbox"/> Response to Notice to File Missing Parts
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9.	<input type="checkbox"/> Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)		
10.	<input type="checkbox"/> Request to Approve Drawing Change with _____ Sheets of Red-Line Drawings		



Serial No.: NOT YET ASSIGNED Filed: 12-21-2000 Attorney: LJF:pm
Applicant: BARRETT Docket No.: EMC-00-212 Date Mailed: 12-21-2000
Title: A Method & System for Creating Packages for ☐ First Class Mail ☒ Express Mail No. EJ 045189519 US

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☒ Utility Application under 37 CFR 1.114
☐ RCE Application under 37 CFR 1.114
☐ CPA Application under 37 CFR 1.53(d)
☐ Continuation Application under 37 CFR 1.53(b)
☐ Divisional Application under 37 CFR 1.53(b)
☐ CIP Application under 37 CFR 1.53(b)
☐ Other _____
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19 Pages Specification
4 Pages Claims (Claims 1 through 15)
1 Pages Abstract
3 Sheets of Drawings (Fig. 1 through 3)
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18. ☐ Response to Restriction Requirement or
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22. ☐ Petition _____
23. ☐ Letter _____
24. ☐ Status Inquiry
25. ☐ Issue Fee Transmittal
26. ☐ Maintenance Fee Transmittal
27. ☐ ____ Separate post card(s)
28. ☐ Check No. ____ for \$ ____
29. ☐ Covering Item No(s). _____
30. ☒ Certificate of First Class Mailing
31. ☒ Certificate of Express Mail
Other: Application Data Sheet - 2 pages,
Request and Certification Under
35 USC 122(b)(2)(B)(i)

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09/747737



12/21/00



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Serial No.: 09/747,737 Filed: Dec. 21, 2000 Attorney: WJF
Applicant: Barrett Docket No.: EMC-00-212 Date Mailed: 7/29/2002
Title: Method and System for Creating Packages ☒ First Class Mail ☐ Express Mail No. _____
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| | <input type="checkbox"/> Utility Application under 37 CFR 1.53(b) | | 17. <input type="checkbox"/> | Amendment (Response) |
| | <input type="checkbox"/> RCE Application under 37 CFR 1.114 | | 18. <input type="checkbox"/> | Preliminary Amendment (Response) |
| | <input type="checkbox"/> Continuation Application under 37 CFR 1.53(b) | | | |
| | <input type="checkbox"/> Divisional Application under 37 CFR 1.53(h) | | | |

Serial No.: 09/747,737 Filed: Dec. 21, 2000 Attorney: WJF
Applicant: Barrett Docket No.: EMC-00-212 Date Mailed: 7/29/2002
Title: Method and System for Creating Packages ☒ First Class Mail ☐ Express Mail No. _____
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37 CFR _____ \$1.131 _____ \$1.132 |
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Country Application

Thursday, March 03, 2005

Page: 1

Case Number: EMC-00-212	Country: US	SubCase:
Outside Law Firm: EMC	United States of America	
App. Title: METHOD AND SYSTEM FOR CREATING PACKAGES FOR MULTIPLE PLATFORMS		
Matter Number: EMC-00-212		
Case Type: ORD	Application Status: Pending	
Application Number: 09/747,737	Filing Date: 21-Dec-2000	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date :	
Parent Issue Number:	Parent Issue Date :	
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Agent: EMC	Agent Reference #: EMC-00-212	
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Family Reference:**Remarks:** Not dutiable; software test apparatus.

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EMC Award Upon File	21-Mar-2001	Reminder	09-Feb-2001
Missing Parts	21-Mar-2001	Reminder	
Assignment Recorded w/PTO	21-Jun-2001	Reminder	
Declaration/POA to PTO	21-Jun-2001	Reminder	
Filing Receipt	21-Jun-2001	Reminder	
No foreign filing per LJF	21-Dec-2001	Final	03-Oct-2001
Status Inquiry Filed	18-Feb-2002	Due Date	18-Feb-2002
OA - First	21-Feb-2002	Reminder	
Petition Resubmission Filed	29-Jul-2002	Due Date	29-Jul-2002
Formal Drawings	21-Sep-2002	Reminder	
OA - Final	21-Sep-2002	Reminder	
Issue Fee/Allowability	21-Jan-2003	Reminder	
Issue Notification	21-Jun-2003	Reminder	
EMC Award Upon Grant	21-Sep-2003	Reminder	
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Inventors:

Barrett, Derek

Keyword(s):

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PATENT APPLICATION INFORMATION RETRIEVAL


Search results as of: 3-3-2005::9:39:19 E.T.

Search results for application number: 09/747,737			
Application Number:	09/747,737	Customer Number:	24227
Filing or 371(c) Date:	12-21-2000	Status:	Abandoned -- Incomplete Application (Pre-examination)
Application Type:	Utility	Status Date:	10-27-2003
Examiner Name:	NOT, DEFINED	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	2122	Location Date:	10-30-2003
Confirmation Number:	4612	Earliest Publication No:	-
Attorney Docket Number:	EMC-00-212	Earliest Publication Date:	-
Class/ Sub-Class:	717/XXXXX	Patent Number:	-
First Named Inventor:	Derek Barrett, Cork, (IE)	Issue Date of Patent:	-
Title Of Invention:	Method and system for creating packages for multiple platforms		

Search Options

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File History	
Date	Contents Description
04-17-2001	Abandonment -- During Preexam Processing
02-15-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
02-09-2001	Correspondence Address Change
01-17-2001	IFW Scan & PACR Auto Security Review
12-21-2000	Initial Exam Team nn

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